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PTO/SB/21 (08-03) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/665,793 TRANSMITTAL Filing Date September 19, 2003 **FORM** First Named Inventor Edward J. Kaplan Art Unit 1616 (to be used for all correspondence after initial filing) **Examiner Name** M. Hartley Attorney Docket Number KAP 110 CIP Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication $|\checkmark|$ Drawing(s) to Group Fee Transmittal Form Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached **Appeal Communication to Group** Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a **Proprietary Information** Provisional Application After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Terminal Disclaimer Identify below): Extension of Time Request Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Rivka D. Monheit, Esq., Reg. No. 48,731 Pabst Patent Group LLP Firm 400 Colony Square, Suite 1200, Atlanta, GA 30361 Individual name Signature Monheix Date July 8, 2004 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

Typed or printed name

Signature

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PTO/SB/17 (10-03)

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EE TRANSMITTAI for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Name (Print/Type)

Signature

Rivka D. Monheit

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Co	mplete if Known
Application Number	10/665,793
Filing Date	September 19, 2003
First Named Inventor	Edward J. Kaplan
Examiner Name	M. Hartley
Art Unit	1616
Attorney Docket No.	KAP 110 CIP

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)				
Check Credit card Money Other None	3. ADDITIONAL FEES				
Deposit Account:	Large Entity Small Entity				
Donosit	Fee Fee Fee Fee Fee Description Code (\$) Code (\$)	e Paid			
Account Number	1051 130 2051 65 Surcharge - late filing fee or oath				
Deposit Account Pabst Patent Group LLP	1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet				
Name	1053 130 1053 130 Non-English specification				
The Director is authorized to: (check all that apply) Charge fee(s) indicated below Credit any overpayments	1812 2,520 1812 2,520 For filing a request for ex parte reexamination				
Charge fee(s) indicated below Credit any overpayments Charge any additional fee(s) or any underpayment of fee(s)	1804 920* 1804 920* Requesting publication of SIR prior to				
Charge fee(s) indicated below, except for the filing fee	Examiner action 1805 1,840* 1805 1,840* Requesting publication of SIR after				
to the above-identified deposit account.	Examiner action				
FEE CALCULATION	1251 110 2251 55 Extension for reply within first month	1			
1. BASIC FILING FEE	1252 420 2252 210 Extension for reply within second month				
Large Entity Small Entity	1253 950 2253 475 Extension for reply within third month				
Fee Fee Fee Fee Fee Description Fee Paid Code (\$)	1254 1,480 2254 740 Extension for reply within fourth month				
1001 770 2001 385 Utility filing fee	1255 2,010 2255 1,005 Extension for reply within fifth month				
1002 340 2002 170 Design filing fee	1401 330 2401 165 Notice of Appeal				
1003 530 2003 265 Plant filing fee	1402 330 2402 165 Filing a brief in support of an appeal				
1004 770 2004 385 Reissue filing fee	1403 290 2403 145 Request for oral hearing				
1005 160 2005 80 Provisional filing fee	1451 1,510 1451 1,510 Petition to institute a public use proceeding				
SUBTOTAL (1) (\$) 0	1452 110 2452 55 Petition to revive - unavoidable				
	1453 1,330 2453 665 Petition to revive - unintentional				
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501 1,330 2501 665 Utility issue fee (or reissue)				
Ext <u>ra Claims below</u> Fee Paid	1 1502 480 2502 240 Design issue fee				
Total Claims 26 -26* = 0 X =	1503 640 2503 320 Plant issue fee				
Independent Claims -3** = 0 X ==	1460 130 1460 130 Petitions to the Commissioner				
Multiple Dependent =	1807 50 1807 50 Processing fee under 37 CFR 1.17(q)				
Large Entity Small Entity	1806 180 1806 180 Submission of Information Disclosure Stmt				
Fee Fee Fee Fee <u>Fee Description</u> Code (\$)	8021 40 8021 40 Recording each patent assignment per property (times number of properties)				
1202 18 2202 9 Claims in excess of 20	1809 770 2809 385 Filing a submission after final rejection				
1201 86 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple dependent claim, if not paid	(37 CFR 1.129(a)) 1810 770 2810 385 For each additional invention to be				
1204 86 2204 43 ** Reissue independent claims	examined (37 CFR 1.129(b))				
over original patent	1801 770 2801 385 Request for Continued Examination (RCE)				
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802 900 1802 900 Request for expedited examination of a design application				
	Other fee (specify)				
SUBTOTAL (2) (\$) 0	*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 0				
**or number previously paid, if greater, For Reissues, see above					
SUBMITTED BY (Complete (if applicable)) Registration No. 49 724 Telephone (404) 970 9452					

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

48,731

Telephone (404) 879-2152

Date

July 8, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Edward J. Kaplan

Serial No.:

10/665,793

Art Unit:

1616

Filed:

September 19, 2003

Examiner:

M. Hartley

For:

FLEXIBLE AND/OR ELASTIC BRACHYTHERAPY SEED OR STRAND

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §1.56 and 37 C.F.R. §1.97,

Applicants submit a Supplemental Information Disclosure Statement, including (1) page of

Form PTO-1449, copies of the three (3) documents cited therein, and a copy of the

International Search Report, mailed May 10, 2004, in the corresponding PCT Application

No. PCT/US03/29673.

It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-3129.

U.S.S.N.: 10/665,793 Filed: September 19, 2003

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Certification Under 37 C.F.R. §1.97 (e)(1)

Each item of information contained in this Supplemental Information Disclosure

Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information

Disclosure Statement.

U.S. Patents

Number	Issue Date	<u>Patentee</u>	Class/Subclass
6,030,333	02/29/2000	Sioshansi et al.	600/3
6,053,858	04/25/2000	Bueche et al.	600/3
6,440,058	08/27/2002	Cutrer	600/8

U.S.S.N.: 10/665,793

Filed: September 19, 2003

SUPPLEMENTAL INFORMATION

DISCLOSURE STATEMENT

Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicants invite the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicants are of the opinion that their claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,

Risha D. Monheit

Rivka D. Monheit

Reg. No. 48,731

Dated: July ______, 2004

PABST PATENT GROUP LLP 400 Colony Square, Suite 1200 1201 Peachtree Street Atlanta, Georgia 30361 (404) 879-2151 (Telephone) (404) 879-2160 (Fax)

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and Trademark Office: U.S. DEPARTMENT OF COMMERCE	

Substitute for form 1449A/PTO	Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)	Application Number	10/665,793
1 at 1 1 1007 1	Filing Date	September 19, 2003
	First Named Inventor	Edward J. Kaplan
	Group Art Unit	1616
THE TRADEMAN	Examiner Name	
Sheet 1 of	Attorney Docket Number	KAP 100 CIP

U.S. PATENT DOCUMENTS						
Examiner On Initials* N	Cite No. ¹	US Patent Docume	of Cited Document	Date of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Number Kind Co				
		6,030,333	Sioshansi et al.	02-29-2000		
		6,053,858	Bueche et al.	04-25-2000		
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FOREIGN PATENT DOCUMENTS							
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		No. ¹	No. ¹	Cite No.1 Foreign Patent Document Office.3 Number4 Kind Code5	Cite No.1 Foreign Patent Document Name of Patentee or Applicant of Cited Document Office.3 Number4 Kind Code5	Cite No.1 Foreign Patent Document Name of Patentee or Applicant of Cited Document MM-DD-YYYY Office.3 Number4 Kind Code5	Cite No.1 Foreign Patent Document Name of Patentee or Applicant of Cited Document Office. Number Kind Code5 Name of Patentee or Applicant of Cited Document Name of Patentee or Cited Document MM-DD-YYYY Relevant Passages or Relevant Figures Appear

Examiner's	 Date Considered	
Signature		

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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant to place a check mark here if English language Translation is attached.